

Iowa Supreme Court's Continuing Legal Education Commission's CLE Accreditation Policies*

- (1) Credit is not allowed for committee work or portions of meetings devoted to administrative matters relating to the organizations sponsoring an activity, such as the business sessions of such organizations.
- (2) Credit is not allowed for sessions that involve a combined meal and presentation, e.g., lunch periods with speakers. The standard is that instruction must be a separate and distinct portion of the program, presented in an educational environment. Credit will be allowed if the sponsor splits the time into separate meal and instruction periods, demonstrates that the meal will not intrude on the presentation time, and otherwise shows the existence of an appropriate educational environment.
- (3) Credit is allowed both to presenters and those in attendance at continuing legal education activities. Presenters at an accredited continuing legal education activity are permitted credit for any actual time required to make the presentation, including panel discussions, question-and-answer periods and similar activities. Presenters may claim up to one hour of preparation credit for each hour of CLE for which they prepare written materials and present, up to maximum of (3) hours per year.
 - (a) Preparation credit counts against the regular attendance requirement of fifteen hours per calendar year, but not against the attendance requirement for legal ethics.
 - (b) Hours of preparation credit in excess of three (3) do not carry over to a subsequent year.
 - (c) Preparation credit may not be claimed if an attorney:
 - a. prepares written materials but does not make the presentation or serve on a panel of speakers;
 - b. makes a presentation or serves on a panel of speakers but does not prepare written materials;
 - c. prepares a course directed primarily to persons preparing for admission to practice law; or
 - d. receives compensation, other than reasonable expenses, for preparing or presenting the continuing legal education.
- (4) The granting of credit to instructors or attending lawyers for instruction presented to non-lawyer or predominantly non-lawyer audiences depends on a variety of factors, including but not limited to the subject matter of the course, qualifications of the instructors, depth of the presentation, and the level of attorney participation. Although attendance at these courses may be justified as beneficial and possibly relating to an attorney's practice or a particular pending case, the burden is on the applicant to demonstrate that the course integrally relates to the practice of law and was of sufficient quality and rigor to meet other established standards for accreditation. Therefore, no credit is ordinarily allowed to instructors at educational activities aimed

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directly or primarily at individuals who have not yet been admitted to the Bar.

- (5) A person admitted to practice may obtain credit for taking or auditing a law school course whether at a graduate or regular law school level. A copy of the law school transcript is required when a lawyer requests credit for courses completed incident to a graduate program in law (e.g., L.L.M.) Contact hours are computed based on individual session duration and number of class sessions during the semester. Generally, the number of computed hours will be sufficient to satisfy the general CLE requirement for the year the courses are taken, and provide a 30 hour carry forward, which is the maximum. Ethics requirements still must be separately satisfied.
- (6) Whether or not a continuing legal education activity is sponsored by a non-profit or profit-making organization is considered by the Commission to be irrelevant to accreditation; however, the Commission looks very carefully at courses given by sponsors who appear to be motivated in giving such courses by a desire to assemble a group of attorneys in order to expose the attorneys to the services (other than CLE activities) the sponsor may be able to provide such attorneys or their clients.
- (7) Courses directed primarily at increasing the profits of the practice of law are deemed by the Commission not to meet the standards of Rule 42.3(1)(a) of the Commission's regulations, which requires that the educational activity "contribute directly to the professional competency of an attorney". However, continuing legal education activities dealing with law office management which are directed primarily at improving the quality of or delivery of legal services are deemed by the Commission to be creditable.
- (8) Except in situations in which permission is specifically granted on applications based on hardship or extenuating circumstances, no credit is allowed for self-study of any kind whether or not aided by video or audio recordings, per Iowa Court Rule 42.3(2). In general, any pre-recorded content, including television viewing, video or sound recorded programs, or correspondence work, that does not meet the verification, interaction, and content requirements set forth in this policy, will be considered self-study and ineligible for accreditation.
- (9) "In-house" activities, that is programs or instruction given by a company or firm for its own employees are considered on a case-by-case basis.
- (10) Video tapes or remote television presentations are generally accredited only if there is a speaker or instructor present at the time and place of showing to answer questions and discuss the presentation with participants in the activity.

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- (11) Programs involving non-legal subject matter or courses covering both non-legal subject matter and related common legal subjects designed for attorneys or both attorneys and other disciplines are not ordinarily given prior CLE accreditation. Lawyers may apply for post accreditation after attending such courses. The granting of credit for courses containing non-legal subject matter which are indicated as being integrally related to the practice of law will depend upon a variety of factors including but not limited to the subject matter of the course, qualifications of the instructors, depth of the presentation and attorneys participation. While attendance at these courses may be justified as being beneficial and possibly relating to an attorney's practice or a particular pending case, the burden is on the applicant to demonstrate that the course does integrally relate to the practice of law and was of sufficient quality and content to meet other established standards for accreditation.
- (12) Programs consisting primarily of instruction on the operation or benefits of a particular proprietary software program are not eligible for credit, because they do not include sufficient substantive legal content. Programs that combine instruction on the operation and benefits of a particular program with substantive legal content will be considered on a case-by-case basis, with the burden on the applicant to demonstrate that the primary content pertains to common legal subjects or other subject matters integrally related to the practice of law.
- (13) Ethics, Attorney Wellness, and Diversity/Inclusion must be separate, designated sessions. Credit for these requirements is not approved for a part of a class or session (so-called "imbedded material"), unless the sponsor designates a specific time period for the claimed portion of the class or session.
 - (a) The area of legal ethics includes instruction intended for and directed to attorneys or judges and covering topics related to or specifically discussed in the IOWA RULES OF PROFESSIONAL CONDUCT, the IOWA CODE OF JUDICIAL CONDUCT, provisions of the MODEL RULES OF PROFESSIONAL CONDUCT, or provisions of any comparable ethics or professional responsibility code in the jurisdiction where the instruction is presented. The content description or handout materials must specifically refer to and be based on the disciplinary rules or judicial canons, or must bear a direct relationship to the Rules of Professional Conduct or the Code of Judicial Conduct. The commission does not issue ethics credit for instruction on ethics requirements for government employees generally, such as Iowa Code chapter 68B (Conflicts of Interest of Public Officers and Employees) or its federal statutory or agency counterparts.

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- (b) The area of attorney wellness includes instruction designed to help attorneys detect, prevent, or respond to substance-related disorders or mental illness that impairs professional competence. The instruction must focus on issues in the legal profession and in the practice of law, and not issues of substance-related disorders or mental health in general.
 - (c) The area of diversity/inclusion includes courses directly related to the practice of law that are designed to educate attorneys to identify and eliminate from the legal profession and from the practice of law biases against persons because of race, sex, gender, gender identification, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status or political affiliation, shall be accredited as legal ethics.
- (14) Rule 42.3(1)(d) provides specific authority for accreditation of computer based transmission events, provided they are interactive. The definition of what qualifies as interactive was left to the Commission to develop as policy, so that the interpretation can mature as technology matures and Commission experience dictates. Current policy is as follows:
- (a) For *moderated activities*, the interactive requirement will be met if there is a method for the viewers to send their questions in to the presenters or a live moderator and hear the answers to (or discussions of) those questions live during the presentation. Computer-based transmission presented live must consist of at least a live streaming audio component like that used for live telephone CLE events. Most events in this category also incorporate a video component, in either a streaming video format or a moving slide presentation keyed to the audio transmission.
 - (b) For *unmoderated activities*, in addition to the other applicable guidelines set forth in these accreditation policies and in Rule 42.3(1), all unmoderated activities must contain the following:
 - i. The date that the most recent substantive revision of the activity content was made and the duration of the program;
 - ii. High-quality written instructional materials, which must be available to be downloaded or otherwise furnished so that the attendee will have the ability to refer to such materials during and after the seminar;
 - iii. An interactive component, which either allows the attendee to

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submit questions electronically or in writing and receive an answer back from the course faculty or other qualified commentator within a reasonable period of time, or requires the attendee to take a mid-presentation quiz, end-of-presentation test or respond to a periodic prompt that branches the instruction based upon the user's demonstrated level of comprehension. Activities presented by CD or DVD might include a testing component, or a self-paced format that periodically prompts the user for input and branches the instruction based on the user's demonstrated level of comprehension.

- iv. A verification procedure, which independently verifies a lawyer's completion of the activity. Verification procedures for a course in recorded video format for individual viewing may consist of a lawyer reporting a course code to the provider after viewing the video, and attesting to completion of the activity in an affidavit. A lawyer affidavit attesting to the completion of an activity is not by itself sufficient. The CLE sponsor would then verify the accuracy of the code before issuing a certificate of attendance. Activities presented in segments should have a separate and distinct code for each segment, and spaces on the verification form to report all codes. Other acceptable verification procedures include pop-up boxes and time tracking by an online sponsor to independently verify that an attorney has completed an entire activity or the use of examination results in self-paced instruction. Certifications of attendance may be issued to the lawyer only after the sponsor has established that the lawyer completed the activity in its entirety; and
- v. An attendance documentation procedure whereby the CLE sponsor retains verification and attendance information for at least two years after the lawyer's completion of the activity and is able to provide that verification and attendance information to the Commission upon request.

(15) Method of Submission of Accreditation Requests: Requests need not be submitted with an original signature. Requests submitted by facsimile transmission are acceptable, however online submission of accreditation requests at <https://www.iacourtcommissions.org> is highly recommended.

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